

Exhibit

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. FRANK P. NERVO, J.S.C.

PART 4

M. H.

INDEX NO. 161144/2020

- v -

E. T.

MOT. DATE 02/09/2022

MOT. SEQ. NO. 003

The following papers were read on this motion to/for DEFAULT JUDGMENT

Notice of Motion/Petition/O.S.C. — Affidavits — Exhibits

NYSCEF DOC No(s). 16-22

Notice of Cross-Motion/Answering Affidavits — Exhibits

NYSCEF DOC No(s). _____

Replying Affidavits

NYSCEF DOC No(s). _____

Plaintiff seeks a default judgment against defendant for violations of §52-b of the Civil Rights Law and §10-180 of the New York City Administrative Code.

CPLR § 3215(a) provides that a plaintiff may obtain a default judgment when a defendant has failed to appear or plead. The plaintiff must provide proof of service of the summons and complaint, proof of the underlying facts constituting the claim, and proof of default (CPLR § 3215(f); see also SRMOF II 2012-I Trust v. Tella, 139 AD3d 599 [1st Dept 2016]; Green Tree Servicing, LLC v. Cary, 106 AD3d 691, 692 [2d Dept 2013]).

Here, plaintiff has established proof of service, proof of the underlying facts, and defendant has failed to appear (NYSCEF Doc. Nos. 18, 21, and 22). Consequently, plaintiff is entitled to a default judgment.

Accordingly, it is

ORDERED the motion is granted and plaintiff M.H. shall have judgment as against defendant E.T. in an amount to be determined at inquest; and it is further

ORDERED that plaintiff shall file a note of issue within 20 days of this decision and order; and it is further

ORDERED that the matter shall proceed to inquest before this Court on September 13, 2022 at 11:30am, absent plaintiff filing a note of issue seeking an inquest by jury.

Dated: June 01, 2022


HON. FRANK P. NERVO, J.S.C.

1. Check one:

CASE DISPOSED NON-FINAL DISPOSITION

2. Check as appropriate: Motion is

GRANTED DENIED GRANTED IN PART OTHER

3. Check if appropriate:

SETTLE ORDER SUBMIT ORDER DO NOT POST

FIDUCIARY APPOINTMENT REFERENCE